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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Dahua He

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

SMITH, BENJAMIN J

ART UNIT

PAPER NUMBER

2176

MAIL DATE

DELIVERY MODE

09/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,820	Applicant(s) HE ET AL.	
	Examiner Benjamin J. Smith	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This non-final office action is in response to the Application filed on 10/11/2006, with a priority date of 04/14/2004.

Claims 1-22 are presented for examination. Claims 1, 8, 15, 18 and 21 are independent claims.

Claim Objections

Claim 8 objected to because of the following informalities: The claim, which recites steps of a method, includes reference characters for the steps (a. b. c. d.). These reference characters are viewed as unnecessary because, they are not referenced in later claims. Accordingly the reference characters should be removed.

Claim 8 recites the limitation "*the selected object*" in line 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 15, line 6 objected to because the wording is unclear and appears to be a typo. The claim should be amended as follows. — the selected object as one being ~~commended~~ recommended —

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15-22 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 15, 18 and 21:

The language of the claims raise a question as to whether the claims are directed merely to an abstract idea that would not result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

In summary, Claims 15, 18 and 21 recite an "*apparatus*" comprising: a selecting means and marking means (claim 15); a selecting means, modifying means and creating means (Claim 18); a showing means, inputting means, sending means, editing means (Claim 21). An embodiment of each of these means is simply a piece of software, as described in the Specification (see page 5, lines 4-12). Thus, for purposes of examination, the examiner interprets the recited "*apparatus*" to be software per se. That is, the recited "*apparatus*" is not a process, a machine, a manufacture or a composition of matter.

Accordingly, Claims 15, 18 and 21 fails to recite statutory subject matter as defined in 35 U.S.C. 101.

Claims 16 and 17 merely recite additional features of the selecting means and marking means (claim 15). Claims 19 and 20 merely recite additional features of the

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selecting means, modifying means and creating means (Claim 18). Claim 22 merely recite additional features of the showing means, inputting means, sending means, editing means (Claim 21). Thus, Claims 16, 17, 19, 20 and 22 do not further define the recited “*system*” as being within a statutory process, machine, manufacture or composition of matter.

Accordingly, Claims 16, 17, 19, 20 and 22 fail to recite statutory subject matter as defined in 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-22 rejected under 35 U.S.C. 102(e) as being anticipated by Relsman
US Publication No. 2004/0031058 (hereinafter, “Relsman”).

Claim 1:

Relsman discloses a *method for creating a file based on a markup language* [paragraph 0044, lines 5-7; paragraph 0089, lines 1-4] [resource creation and editing, and xml files], *comprising steps of:*

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obtaining an initial file that is based on said markup language and includes at least two objects [paragraph 0083, lines 1-18] [stored content objects or item elements];
receiving a user's choice of one of the at least two objects [paragraph 0054, lines 23-30] [state records and details of user interaction with objects]; *and*
marking the selected object as one being recommended, making it be preferentially recommended when editing the created file in future [paragraph 0026, lines 11-17] [best suited to the apparent context].

Claim 2:

Relsman discloses *wherein the marking step is a step of inserting a mark into the file* [paragraph 0089, lines 1-4] [metadata is a mark].

Claim 3:

Relsman discloses *wherein said mark is based on RDF (Resources Description Framework) language* [paragraph 0089, lines 1-4] [metadata placed in file using RDF].

Claim 4:

Relsman discloses *further comprising a step of: sending the created file* [paragraph 0847, lines 6-15] [sending stream of enhancement data].

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Claim 5:

Relsman discloses *wherein said file is a multimedia information file* [paragraph 0043, lines 1-13] [media browser presenting multimedia and video editors].

Claim 6

Relsman discloses *wherein said markup language is XML (eXtensible Markup Language)* [paragraph 0089, lines 1-4] [XML metadata].

Claim 7:

Relsman discloses *wherein said markup language is SMIL (Synchronized Multimedia Integration Language)* [paragraph 0036, lines 1-4] [SMIL links].

Claim 8:

Relsman discloses *a method for editing a file based on the markup language, the file including objects with recommended editing marks* [paragraph 0215, lines 21-26] [edit elements, recommendations], *comprising steps of:*

- a. giving user a prompt on the objects that are recommended to be edited* [paragraph 0026, lines 11-17] [best suited to the apparent context];
- b. receiving the user's choice of the prompted objects* [paragraph 0054, lines 23-30] [state records and details of user interaction with objects];

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c. receiving the user's modification of the selected object [paragraph 0054, lines 23-26]

[user edits]; *and*

d. creating a new file based on the markup language according to the modified object

[paragraph 0042, lines 1-5] [create hypermedia].

Claim 9:

Relsman discloses *further comprising a step of receiving said file to be edited*

[paragraph 0083, lines 1-18] [stored content objects or item elements received].

Claim 10:

Relsman discloses *further comprising the step of: sending the*

created file [paragraph 0847, lines 6-15] [sending stream of enhancement data].

Claim 11:

Relsman discloses *wherein said file is a multimedia information file* [paragraph

0043, lines 1-13] [media browser presenting multimedia and video editors].

Claim 12:

Relsman discloses *wherein said markup language is SMIL (Synchronized*

Multimedia Integration Language) [paragraph 0036, lines 1-4] [SMIL links].

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Claim 13:

Relsman discloses *wherein said recommended editing marks are based on RDF (Resources Description Framework) language* [paragraph 0089, lines 1-4] [metadata placed in file using RDF].

Claim 14:

Relsman discloses *wherein the objects with the recommended editing marks are a part of all objects in said file* [paragraph 0083, lines 1-18] [stored content objects or item elements, if a user selects some of the objects in a document then those selected element objects are part of all the objects in the document].

Claim 15:

Relsman discloses *an apparatus for creating a file based on the markup language* [paragraph 0044, lines 5-7 and paragraph 0089, lines 1-4] [resource creation and editing, and xml files], *comprising: obtaining means for obtaining an initial file that is based on said markup language and includes at least two objects* [paragraph 0083, lines 1-18] [stored content objects or item elements]; *selecting means for receiving a user's choice of one of said at least two objects* [paragraph 0054, lines 23-30] [state records and details of user interaction with objects including selection]; *and marking means for marking the selected object as one being commended, making it be preferentially recommended when editing the created file in future* [paragraph 0026, lines 11-17] [best suited to the apparent context].

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Claim 16:

Relsman discloses *wherein the marking means is used to insert a mark into the file* [paragraph 0089, lines 1-4] [metadata is a mark].

Claim 17:

Relsman discloses *wherein said file is a multimedia information file based on SMIL (Synchronized Multimedia Integration Language)* [paragraph 0036, lines 1-4] [SMIL links].

Claim 18:

Relsman discloses *an apparatus for editing a file based on the markup language, the file including objects with recommended editing marks* [paragraph 0215, lines 21-26] [edit elements, recommendations], *comprising:*
prompting means for giving user a prompt on the objects that are recommended to be edited [paragraph 0026, lines 11-17] [best suited to the apparent context];
selecting means for receiving a user's choice of the prompted objects [paragraph 0054, lines 23-30] [state records and details of user interaction with objects including selection];
modifying means for receiving a user's modification of the selected object [paragraph 0089, lines 1-4] [metadata added is a modification]; *and*
creating means for creating a new file based on the markup language according to the modified object [paragraph 0042, lines 1-5] [create hypermedia].

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Claim 19:

Relsman discloses *further comprising receiving means for receiving said file to be edited* [paragraph 0083, lines 1-18] [transmitted information must be received].

Claim 20:

Relsman discloses *wherein said file is a multimedia information file based on SMIL (Synchronized Multimedia Integration Language)* [paragraph 0036, lines 1-4] [SMIL links].

Claim 21:

Relsman discloses a *portable apparatus, comprising:*
showing means [paragraph 0075, lines 1-8] [PDA with screen];
inputting means [paragraph 0075, lines 1-8] [PDA with keypad];
sending means [paragraph 0075, lines 1-8] [PDA with network connection];
receiving means for receiving a file that is based on a markup language and includes objects with recommended editing marks [paragraph 0054, lines 23-26] [receive user edits]; *and editing means, including:*

prompting means for giving user a prompt on the objects that are recommended to be edited [paragraph 0026, lines 11-17] [best suited to the apparent context];

selecting means for receiving a user's choice of the prompted objects [paragraph 0054, lines 23-30] [state records and details of user interaction with objects];

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modifying means for receiving a user's modification of the selected object

[paragraph 0089, lines 1-4] [metadata placed in file is a modification]; *and*

creating means for creating a new file based on the markup language according to the modified object [paragraph 0083, lines 1-18] [stored content objects or item elements];

wherein the prompting means is connected to the receiving device, the showing means and the selecting means, the selecting means is connected to the inputting means and the modifying means, the modifying means is connected to the inputting means and the creating means, the creating means is connected to the showing device and the sending device [paragraph 0075, lines 1-8] [PDA with screen, keypad, network connection].

Claim 22:

Relsman discloses *wherein said markup language is SMIL (Synchronized Multimedia Integration Language) and said file is a multimedia information file* [paragraph 0036, lines 1-4] [SMIL links].

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

2006/0031749	Adaptive multimedia integration language (AMIL) for adaptive multimedia applications and presentations
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7,353,451	Meta data creation apparatus and metadata creation method
2005/0091574	Multimedia presentation editor for a small-display communication terminal or computing device
2004/0031058	Method and apparatus for browsing using alternative linkbases

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin J. Smith whose telephone number is (571) 270-3825. The examiner can normally be reached on Monday through Friday 8:30AM-5:00PM EST..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Benjamin J. Smith/
Examiner, Art Unit 2176

/Doug Hutton/
Doug Hutton
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